

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROGER W. KIRBY, *individually, and as sole  
Trustee*; THE AUGUSTUS R. A. KIRBY 2020  
REVOCABLE TRUST; and THE JANE A. KIRBY  
2020 REVOCABLE TRUST,

Plaintiffs,

-against-

DAVID W. ZALAZNICK, *an individual*; JOHN W.  
“JAY” JORDAN II, *an individual*, JZ CAPITAL  
PARTNERS LTD., JZCP REALTY FUND,  
JORDAN/ZALAZNICK ADVISORS, INC., JZ 184-  
204 BEDFORD LLC (a/k/a RS JZ BEDFORD-N6th  
HOLDINGS, LLC); RED SKY JZ FULTON LLC  
(a/k/a RED SKY JZ FULTON HOLDINGS, LLC);  
RS JZ GREENPOINT LLC; JZ REIT  
METROPOLITAN INVESTOR, LLC; and RS JZ  
WYNWOOD HOLDINGS, LLC. and JOHN DOES  
I-XXX

Defendants.

**1:21-cv-08064-GHW**

**NOTICE OF VOLUNTARY  
DISMISSAL PURSUANT TO  
F.R.C.P. 41(a)(1)(A)(i)**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs Roger W. Kirby, The Augustus R. A. Kirby 2020 Revocable Trust and The Jane A. Kirby 2020 Revocable Trust, by and through their undersigned counsel, hereby give notice that the above-captioned action is voluntarily dismissed without prejudice against Defendants David W. Zalaznick, John W. Jay Jordan, JZ Capital Partners Ltd., JZCP Realty Fund, Jordan/Zalaznick Advisors, Inc., JZ 184-204 Bedford LLC, Red Sky JZ Fulton LLC, RS JZ Greenpoint LLC, JZ Reit Metropolitan Investor, LLC, RS JZ Wynwood Holdings, LLC and John Does I-XXX.

Dated: New York, New York  
May 2, 2022

Respectfully Submitted,

BOIES SCHILLER FLEXNER LLP

By: /s/ John T. Zach  
John T. Zach  
BOIES SCHILLER FLEXNER LLP  
55 Hudson Yards  
New York, New York 10001  
Telephone: (212) 446-2300  
Facsimile: (212) 446-2350  
E-mail: jzach@bsflp.com